

REMARKS

The Office action mailed on 26 March 2004 (Paper No. 7) has been carefully considered.

The specification and Abstract are being amended to correct minor errors and improve form. Claims 1 thru 22 are being amended, and new claims 23 and 24 are being added. Thus, claims 1 thru 24 are pending in the application.

In paragraph 3 of the Office action, the Examiner rejected claims 1 thru 22 under 35 U.S.C. §103 for alleged unpatentability over Kim *et al.*, U.S. Patent No. 6,118,926 in view of Nakajima, U.S. Patent No. 5,410,369. For the reasons stated below, it is submitted that the invention recited in the claims, as now amended, is distinguishable from the prior art cited by the Examiner so as to preclude rejection under 35 U.S.C. §102 or §103.

In paragraph 3 of the Office action, the Examiner alleged that Kim *et al.* '926 discloses all of the subject matter recited in independent claim 1, except for power being supplied to a central processing unit in the normal mode, and power not being supplied to the central processing unit in the power saving mode. However, the Examiner cited Nakajima '369 as allegedly disclosing the latter limitation. Applicant respectfully disagrees with the analysis set forth by the Examiner in connection with the rejection of

claim 1 under 35 U.S.C. §103.

First, it should be noted that Kim *et al.* '926 does not disclose a computer system as claimed, but rather discloses a video tape recorder. Furthermore, whereas the Examiner alleges (on page 2 of the Office action) that Kim *et al.* '926 discloses a storage unit for storing television signals in the form of "recording/playback apparatus 24" (quoting from paragraph 3 on page 2 of the Office action), in contrast, claim 1 recites a computer system as comprising a storage unit for storing the television signals in **digital form**. This provides a further distinction between the inventive computer system of the present application and the video tape recorder of Kim *et al.* '926.

On page 3 of the Office action, the Examiner alleges that the claimed "record-controlling part for storing the television signals in said storage unit according to the set-up reserve-recording conditions" is met by the random access memory (RAM) 13 of Kim *et al.* '926. However, as indicated at column 3, lines 1-3 of Kim *et al.* '926, the RAM 13 does not store television signals, but merely stores data and preprogramming information that may be changed or updated during the operation of the microprocessor 11. Thus, RAM 13 does not constitute a "record-controlling part" and the related function as recited in claim 1 of the present application.

Furthermore, on page 3 of the Office action, the Examiner alleges that the claimed

“power control part for controlling power supply in a normal mode and in a power saving mode” is met by step S16 of Figure 5 of Kim *et al.* ‘926. However, as indicated at column 6, lines 36-48 of Kim *et al.* ‘926, step S16 calls for the system controller 10 to preprogram the video tape recorder based on the initially set preprogramming information or adjusted preprogramming information, to store that information in the RAM 13, and to control the video tape recorder so that it enters into a stand-by mode, all in response to a preprogramming completion signal generated by the operation of the reservation key 52. Thus, step S16 of Kim *et al.* ‘926 does not amount to the function of the claimed power control part, in that step S16 does not involve “automatically switching from the power saving mode to the normal mode according to the set-up reserve-recording conditions when the time for reserve-recording approaches” (quoting from claim 1).

Finally, as mentioned above, the Examiner cites Nakajima ‘269 for allegedly disclosing that power is supplied to a central processing unit in the normal mode, and is not supplied to the central processing unit in the power saving mode. In that regard, the Examiner cites the power on/off key 14 of the keyboard 8 of Nakajima ‘369, stating that if the key 14 is “turned on[,] the CPU 4 performs program reservation processing as show [*sic*] in Fig. 4” (quoting from lines 2-3 of the last paragraph on page 3 of the Office action. It is respectfully submitted that the function of the key 14 does not constitute or correspond to the function of the recited power control part of claim 1. That is, the key 14 of Nakajima ‘369 is simply a power key which is actuated by the user for switching

on/off the power source (*see* column 6, lines 53-55 of Nakajima '369). Thus, the key 14 of Nakajima '369 does not automatically switch the power saving mode to the normal mode according to the set-up reserve-recording conditions when the time for reserve-recording approaches, and thus does not automatically supply power to the central processing unit in the normal mode, while automatically not supplying power to the central processing unit in the power saving mode.

Accordingly, even if the disclosure of Kim *et al.* '926 is modified by the disclosure of Nakajima '369, the present invention, as recited in claim 1, is not achieved.

Independent method claims 11 and 19 contain many of the same limitations which distinguish the invention of independent claim 1 from the prior art. Thus, the arguments set forth above relative to independent apparatus claim 1 apply equally to independent methods 11 and 19. Therefore, the method recited in independent claims 11 and 19 is distinguishable from the prior art for the same reasons set forth above relative to independent apparatus claim 1.

The dependent claims provide further bases for distinguishing the invention from the prior art. For example, referring to claim 2, on page 4 of the Office action, the Examiner admitted that neither of the two cited references disclosed the reserve-recording set-up part as comprising a password skipping unit not requiring a user to enter

a password when the power saving mode is changed to the normal mode and the password was previously supplied to the computer system. The latter limitation is almost identical to similar limitations contained in dependent method claims 12 and 23. In rejecting the claims, the Examiner merely stated that the “capability of using a password to access the video system is old and well known in the art”, and therefore the Examiner took “Official Notice” that such a feature of the invention “would have been obvious to one of ordinary skill in the art at the time of the invention” (quoting from the second paragraph on page 4 of the Office action).

Firstly, it should be noted that the Examiner took “Official Notice” that it was well known in the art to provide the “capability of using a password to access the video system” (emphasis supplied). However, the Examiner did not take “Official Notice” that it was old and well known in the art to provide a password skipping unit which does not require a user to enter a password when the power saving mode is changed to the normal mode and the password was previously supplied to the computer system, as recited in claims 2, 12 and 23. Therefore, it is respectfully submitted that the rejection of claims 2 and 12, as well as 23, is an improper rejection under 35 U.S.C. §103.

However, there is an additional reason for invalidating any rejection of claims 2, 12 and 23 under 35 U.S.C. §103. That reason resides in the fact that, in order for an “Official Notice” to be proper, the claimed feature must truly be old and well known in

the art, as evidenced by prior art disclosing such feature. In this case, the Examiner has merely taken Official Notice without citing any prior art in support of the Official Notice. Therefore, the rejection of the dependent claims in question must be considered improper on this basis as well.

On page 5 of the Office action, the Examiner rejected claims 4 and 6 under 35 U.S.C. §103, stating that Figures 9A and 9B of Kim *et al.* '926 disclose the provision of a mode selection window display for selecting a power mode of a central processing unit after the reserve-recording conditions are set up. The latter limitation is also recited in dependent claims 14 and 16, as well as new dependent claim 24. However, a review of Kim *et al.* '926 fails to reveal, in Figures 9A or 9B, or at any other point in the specification of the patent, any disclosure of the provision of a mode selection window display operable by a user for selecting the power mode of a central processing unit after the reserve-recording conditions are set up, as recited in claims 4, 6, 14, 16 and 24. Furthermore, there is no disclosure or suggestion in the prior art of the function of the power control part, that is, the function of automatically switching the power mode of the central processing unit according to user selection of the power mode with the mode selection window display, as also recited in claims 4, 6, 14, 16 and 24.

To summarize, the independent claims (1, 11 and 19) of the present application recite the invention in a manner distinguishable from the prior art so as to preclude


rejection under 35 U.S.C. §103. It should be noted as well that Kim *et al.* '926 does not contain, and the Examiner has not cited any portion of Kim *et al.* '926 containing, any disclosure or suggestion which would motivate a person of ordinary skill in the art to seek and incorporate the disclosure of Nakajima '369 for the purpose of modifying the disclosure of Kim *et al.* '926 to thereby arrive at the present invention. Thus, on this basis as well, the rejection under 35 U.S.C. §103 must be considered improper. Finally, as also stated above, the dependent claims of the present application provide further bases for distinguishing the invention from the prior art cited by the Examiner.

In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

A fee of \$36.00 is incurred by the addition of two (2) total claims in excess of total

22. Applicant's check drawn to the order of Commissioner accompanies this Amendment. Should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,



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